

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES F. REDDEN,)	CASE NO. 1:22-cv-00694
)	
Petitioner,)	JUDGE BRIDGET MEEHAN BRENNAN
)	
v.)	
)	
WARDEN KENNETH BLACK,)	<u>OPINION AND ORDER</u>
ATTORNEY GENERAL OF THE)	
STATE OF OHIO,)	
)	
Respondents.)	

Before the Court is the report and recommendation (“R&R”) of Magistrate Judge Carmen E. Henderson (Doc. No. 15) recommending that James F. Redden’s (“Petitioner”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied.

Once a magistrate judge issues a report, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (flush language).

The failure to file written objections to the magistrate judge’s R&R constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d* 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Petitioner is not represented by counsel. The docket reflects that a copy of the R&R, issued on January 6, 2023, was mailed to Petitioner at his address of record that same day. As of

the date of this Opinion and Order, the mailed R&R has not been returned. Further, the Ohio Department of Rehabilitation & Correction's public website indicates that Petitioner remains incarcerated at Richland Correctional Institution, which is the facility listed on his petition and to which the R&R was mailed. The time period for filing objections, calculated from the date that the R&R was mailed to Petitioner, has passed and no objection by Petitioner has been received by the Court. *See Peoples v. Hoover*, 377 F. App'x 461, 463 (6th Cir. 2010) (recognizing that courts have enforced the rule requiring objection to a magistrate report regularly against *pro se* litigants).

The Court has reviewed the Magistrate Judge's report and recommendation. The Court accepts and adopts the same. Accordingly, Redden's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied. The Court certifies that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Date: March 13, 2023



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE